

# Quid Novi

McGill University Faculty of Law  
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### QUID NOVI

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Envoyez vos commentaires ou articles avant jeudi 5pm à l'adresse: [quid.law@mcgill.ca](mailto:quid.law@mcgill.ca)

Toute contribution doit indiquer l'auteur et son origine et n'est publiée qu'à la discrétion du comité de rédaction, qui basera sa décision sur la politique de rédaction telle que décrite à l'adresse:

<http://www.law.mcgill.ca/quid/edpolicy.html>.

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## Editor's Note

At the risk of sounding desperate...

For the love of all things literary, people, write for the Quid!

There. I feel much better.

You may notice that this week's Quid is thin on reading material. While I understand that there are first and second year legal meth assignments out, there are still some third and fourth year students out there who should be able to contribute a few words to the Faculty's weekly publication. Got a complaint? Write about it. Observations? Write about it. So tired from working on assignments that you can no longer see straight unless you have coffee in an IV drip going straight into your arm? Write about it. Well, sleep a little, then write about it.

If the desperate pleas weren't enough...

We're planning to roll out a brand new Quid with a brand new look and some nifty new features in the next week or so. If you have any ideas lurking in the back of your brain about things you think we could improve upon, please, drop us a line at [quid.law@mcgill.ca](mailto:quid.law@mcgill.ca). Or, even better, write us something so you can be part of the new, improved Quid Novi. Your 'ode to the canned memo' will be published and appreciated by all those who read it.

Finally, thanks to everyone who participated in the hockey tickets contest. Congratulations to the winner, Laurence Bich-Carrière, whose presence must have been the straw that broke the Islanders' back, as Montreal sailed to a 4-3 victory.

So: send us material to print, and we'll love you forever (and, who knows, maybe send you to a hockey game again).

- L.M.



# Don't Just Do the Little Things: Make Yourself Little

by Caolan Moore (Law II)

“Hey kid! What do you want to do when you grow up?”

“I want to change the world.”

Of course I want to change the world. I dream big. We all want to change the world a little bit—its part of our nature. We want to leave a mark, make a difference, help somebody, invent something new, give something substantial, and come through when it counts. And that, I gather, is why most of us are at law school. Law is a tool for change, a prestigious means. I'm sure your personal statements probably looked a lot like mine: the study of the law will fulfill me/allow me to reach my goals/aid in my grand pursuit of... etc., *ad nauseum*. But now that we're here, what are we supposed to do? What's the next step to reaching these lofty goals?

Me, I was thinking politics, federal politics—the big time. You get to represent and meet people from across the country; people want your opinion and what you say gets heard. That's exciting. I will have a full life, and when it's over they'll say: “That guy, he did a lot of stuff!” Hopefully the stuff was good. Either way, I'll be able to say that I did something important.

And if not politics, it'll be human rights. I'm going to blaze through the international law system to do some good ol'fashioned people protectin'. Maybe someday the International Criminal Court will come knock on my door and I'll willingly make my contribution.

And if all of that doesn't work out, I'm just going to have to work hard at a prestigious, well paying job (not unlike

the two above) that will, at the very least, let people see me as someone who has done right. Someone, they say, who has it together. That guy's made it. He's used his potential well. He kept his eyes to the skies, his nose to the grindstone, and wasn't scared to dream big. He, they'll say, has made a difference.

I had some time this summer to think about my big goals and my big dreams. I was thinking: I don't simply want to “do” life, I want to “do it right.” While my head was in the sky dreaming these big dreams, I tripped over a thought: “what if I'm not supposed to do the big things, but the little things.” This came to me after watching a video on the life of Mother Theresa. Mother Theresa, an internationally renowned figure and Nobel Peace Prize winner, did not set out to big things, but to do small things in a great way. She simply went out in the street and started picking people off it. She lived a life that we dare not; she lived a life that inspires us to be something more. The truth of what she did touched the substance of our being.

Jean Vanier, son of Canada's 19th Governor General, Right Hon. Georges Vanier, also inspired me. Jean Vanier founded *L'Arche* homes, where people like you and me live in community with the mentally handicapped and the marginalised—not to simply care from them, but, more importantly, to learn from them. These homes have since spread across the world (there are a few of these homes here in Montreal and I recommend visiting one of them) and have helped shape the way we see ourselves as people and force us to re-access how we treat others in society. Vanier asks all of us to give “[our] *substance* and not merely [our] abundance

of extras” to the poor, the lonely and the handicapped. He calls us to live our humanity in a deeper, more meaningful way: to discover our humanity by sharing it with others. This is prestigious.

It struck me that the face of our world is rarely changed by the people with big portfolios, but rather, is shaped by those with truthful insights and concrete actions. The revolutionaries that will shake our society seldom wear suits and sit around big tables. They are gathering salt from the sea; they are picking up the homeless, one by one from the streets; they are meeting in fear in some upper room; they are traveling to work every day and refuse to sit at the back of the bus.

The ocean, Mother Theresa said, is made up of little drops. Not all of us are called to such dramatic action, but we can all do the little things to change the lives of those around us. Imagine living a life that would inspire a Mother Theresa or a Jean Vanier? The temptation to get lost in big dreams is the temptation to think of ourselves first and of others second. Others can easily become peripheral to our accomplishments, even when we believe we are working with them in mind. The radical thinks of the other first and lives it. It is not *just* in doing the little things, but in becoming small ourselves, that we can stand firm against tides that would push us where we do not want to go. It is in emptying ourselves out for others that we truly honour and support them. It is in getting out of the way that we allow others to see—and share in—our big dreams.

I still dream big. But when I grow up, I would like to be small. ■

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# The Adventures of Martin and his Beloved Coffeehouse Mug

by Martin Doe (Law II)

*Editor's Note: This is an email recently sent to the OUS. The mug did in the end get a new home locker, although not the one that both Martin and she were hoping for.*

**A**nd now, the adventure begins...

This is a story about my lone, plastic, 2005 coffeehouse mug. Although I have been with quite a few other mugs in my time at McGill Law and most of those relationships left me with a stale beer taste in my mouth, I gave it another shot. (Indeed, I caught my last year's mug sleeping with a friend. Then again, she caught me double-fisting with another mug once too.) Anyway, my mug and I started seeing each other this September. We met at Orientation 2005. Things have gone very well for us. She holds my beer for me and I diligently wash her after every coffeehouse. We couldn't be happier.

That is, until recently. At the beginning of the year, I placed her in locker 213. It was a convenient locker number as it corresponds to my birthday. (She'll never forget now!) So, I put her in there every week, said goodnight, and closed the locker. I'm sure it must have been lonely in there 'cause every following coffeehouse, when I opened that door to locker 213, her eyes would light up and her red plastic would shine even brighter...and we'd both be off for a few beers and some good times.

However, at a certain point after the first few coffeehouses, I decided that, regardless of the birthday number, there was a better place for my precious mug-

gie-poo, locker 491 (small locker, on the corner right in front of the LSA office). It was mid-September, there was no lock on it, and it was so conveniently close to the LSA Office. I could take small breaks from slaving away for the betterment of life at the faculty and visit my mug. So, I thought...I'll leave her in there and see if anyone comes by and asks her to leave. Nobody did. For about 4 weeks now I have been able to handily grab my coffeehouse mug out of that locker each successive Thursday with no other signs of life from that locker than her wonderful St. Amboise fragrance (or is it Carlsberg?...I get confused with these European perfumes). So, we started getting comfortable and even secure in this arrangement.

However, all of a sudden, last week, the faculty didn't seem so safe anymore. Rains started pouring down and, although there was no hurricane to speak of, some people got impatient and started looting anyway. Next thing you know, someone's walked off with a large-screen TV from the basement lounge. When I heard of this, I was scared. I even panicked a little. I thought, "maybe the robbers got to my mug as well! Oh no!" Thankfully, I came to trusty locker 491 and there she was.

Then, the other night when I was talking to my mug and she asked, "can't you put a lock on our locker, I'm scared to stay here alone with the robbers in the faculty and all."

"But, the locker's not mine. I'm just

glad that whoever owns it hasn't kicked us out," I responded. Then, she smartly said, "I don't know what the OUS's Statute of Limitations says, but I think we've maintained adverse possession for long enough to have acquired rights to this locker, haven't we? At the very least, I think it provides good reason why no one, including the rightful locker owner, should get upset with Thomas for giving 491 to us. I mean, you could even offer to give up your current locker 213 to give it to the mystery student who has yet to take advantage of prime real estate."

So the story comes to a point. I would like to ask if I could appropriate locker 491 and be able to give my mug a better sense of security by locking her snugly in 491 so that the evil TV robbers don't get her too. Taking care of her is not too much for her to ask of me. So, I'm hoping this is not too much to ask of you.

Sincerely,  
Martin ■

**Correction: Last week's  
Published Dates for Mini Law  
were incorrect.**

**Correct Dates for  
Mini-Law:**

Oct 27<sup>th</sup>  
November 3<sup>rd</sup>, 10<sup>th</sup>, 17<sup>th</sup>, 24<sup>th</sup>  
December 1<sup>st</sup>, 8<sup>th</sup>



*On the occasion of the 2005 COP 11 / MOP 1 of the UNFCCC and Kyoto Protocol in Montreal :*

The Centre for International Sustainable Development Law (CISDL) invites all interested scholars and professionals for:

**"Strengthening Climate Cooperation, Compliance & Coherence"**

*An International Law Symposium on Sustainable Developments in Law and Policy on Climate Change*

Hosted by the CISDL in collaboration with Faculty of Law, McGill University and the CERIUM, l'Université de Montréal

**Friday, December 2nd and Saturday December 3rd, 2005**

at McGill University Faculty of Law, Montreal, Canada.

This symposium is a unique opportunity for scholarly dialogue between academics, lawyers, scientists and policy-makers, to debate the most recent trends and practices in sustainable development law related to climate change, and for participants to build their knowledge and capacity in this important emerging area.

The focus of the event is threefold:

- Cooperation: Recent developments in law and policy to support Joint Implementation (JI) and the Clean Development Mechanism (CDM), and the potential for future implementation and advancement.
- Compliance: Recent developments in international law and policy to strengthen compliance with the UNFCCC and Kyoto Protocol, and future directions for facilitation and enforcement mechanisms.
- Coherence: Intersections between global and domestic climate regimes, and other international regimes (trade and investment, indigenous peoples & other human rights, biodiversity, desertification, law of the sea, etc.).

International advisors to the Symposium include Prof. James Cameron (Climate Change Capital), Dr. David Freestone (World Bank), Mr. Richard Ballhorn (Foreign Affairs Canada), Dr. Kemal Dervis (UNDP), Mr. David Runnalls (IISD), Prof. James Gustav Speth (Yale University), Sir Crispin Tickell (Green College, Oxford University), Prof. Gordon McBean (University of Western Ontario), Dr. Sheila Watt-Cloutier (Inuit Circumpolar Conference), Dr. Kamal Hossain (International Law Association) and H.E. Judge C.G. Weeramantry

Deepest gratitude is expressed to sponsors, including the Government of Canada, the leading law firms of Fasken Martineau LLP in Canada, and Mallesons Stephen Jaques in Asia-Pacific, Climate Focus, the European Studies Institute, and the National Judicial Institute of Canada.

**REGISTER BEFORE NOVEMBER 10 AND PAY ONLY \$40. FOR LATE REGISTRATION, THE FEE IS \$60**

*For further information and registration forms, please see <http://www.cisdl.org/seminars.html>*



# Chico Wins Again

by Michael Hazan (Law IV)

Chico Resch disposed of a tough NFC team 3-2 last week, earning its third consecutive win. The team is a long way off from its record 11-straight from the 2004-2005 campaign, but it is a strong start. Matthew Singerman, who starred on the club for two seasons, was surprised that the team has been "able to compete in his absence." Ex-roommates Ian Osellame and Ken "the Master of Disaster" McKay are hoping that Singerman stays in Arizona and enjoys his retirement now that his playing days are over.

Chico again had a rocky start as NFC scored on their first shift of the game off a rebound that goalie Mike Eldridge had no opportunity to stop. With the team trailing 1-0, Nat "I forgot my shoulder pads" Brand returned to the ice and scored with just over a minute left in the opening period. Brand picked up the puck at center ice, went in against two defenders, and snapped a low shot past the goalie.

NFC took back the lead in the second period but Chico regained focus after a little melee broke out behind the NFC net. Obviously auditioning for a role in the next remake of Rocky, Steve "Eye-Gouger" Gough roughed up a couple of the NFC players; but somehow Chico went to work on the power-play. With a two-man advantage, Brand struck again with a blast from the point, solidifying his lead for the Rickford Award. With 4 goals, Brand is on record pace to win Chico's goal scoring trophy named after the team's spiritual leader, Greg Rickford.

Still on the PP, Fred "La Flash" Desmarais picked a fine moment to score his first goal in a Chico uniform. "Je suis très content maintenant, mais la meilleure chose c'est que l'équipe a gagné," said an exuberant Desmarais after the match. With seven minutes to play, Chico sent out its defensive playmakers to keep NFC from tying the game.

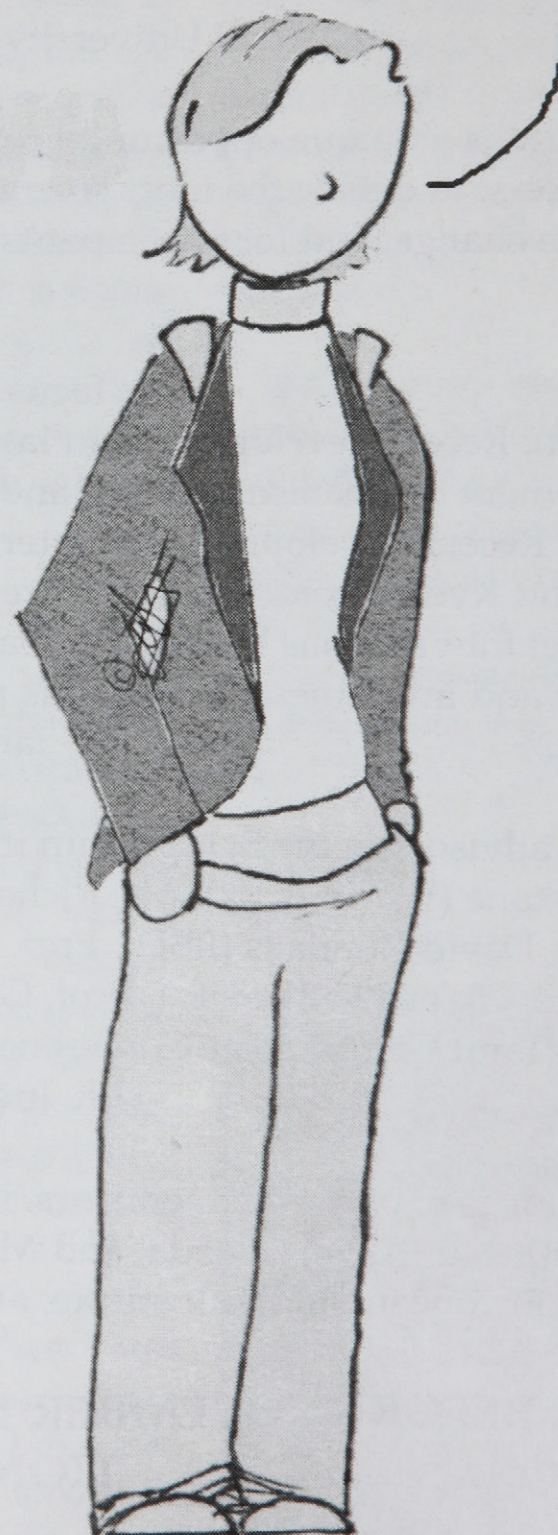
David "Legs" Lametti and Steve "not Rob" Lowe made their Chico 2005-2006 debuts and were both in fine form. The team is fortunate to have them back because both Osellame and McKay will be unavailable for the next game. Osellame has his Monday night cooking lessons while McKay will be heading to Southeast Asia to learn more about his ancestry. In their absence, Captain Casey Leggett will need to juggle the lines a little, but the Namur (Quebec) native should have no trouble because his troops are willing to do whatever it takes to keep the winning streak alive. ■

# Les aventures du Capitaine Corporate America

par Laurence Bich-Carriere (Law II)

*Reflexion macérée et mûrie  
de l'étudiant(e) moderne*

La législation manque  
dramatiquement de  
points d'exclamation.



« Pensée du jour »



# The Reasonable Man

by Amanda M. O. Glover (Law I)

The reasonable man lurks throughout the middle class suburbs of North America. He is middle aged, balding, of average intelligence, and probably slightly rotund around the middle. He has worked for other people his entire life, and fulfills a relatively mind-numbing occupation. He probably owns one of those "I'm with stupid" t-shirts, one of those little beer drinking hats, and more than one whoopie cushion. He is the everyman. He is Dan Conner, Fred Flinstone, or Homer Simpson. He probably drinks too much beer,

eats too many doughnuts, and is about as politically correct as a Monty Python sketch. He has minimal education, and no desire to ponder philosophical dilemmas - if you were to mention Immanuel Kant to him, he would stare blankly and ask "who does he play for"? He has a limited knowledge of law, and probably thinks that *res judicata* is a brand of vodka.

However, when all is said and done, he adores his family, respects his neighbour, and would never know-

ingly inflict harm on another person. He has an ingrained sense of values, and is more than capable of distinguishing right from wrong. His idea of what is reasonable and what isn't is based on instinct, on a visceral response to a given situation. He will most likely be unable to fully articulate why a certain type of conduct is reasonable and another unreasonable, but he will be able to say, with the utmost of confidence, "this is right, and this is wrong". ■

Watch out for the Quid in November

Your plucky layout editors have been working on bringing some style and class to the Quid

## Dean's Discretionary Fund

The Dean's Discretionary Fund (DDF) is a special initiative fund from the Office of the Dean at the Faculty of Law, which seeks to support events and activities that bring unique benefits to the Faculty of Law community.

The DDF seeks to support both individual students and groups of students who undertake the organization of events or activities for the benefit of the McGill Law community.

Funding for the DDF is provided by the generosity of McGill Law Alumni.

For more information on how to apply for funding from the DDF, please visit the Law Students' Association's website: <http://www.law.mcgill.ca/lisa> or contact your VP Clubs and Services at [vp-clubs.lsa@mail.mcgill.ca](mailto:vp-clubs.lsa@mail.mcgill.ca).



McGill Faculty of Law

REVIVES

## THOMAS MORE SOCIETY

Students and staff are welcomed to reflect on matters of Christian faith and law.

Pour de plus amples renseignements

Caolin Moore

[cmoore9@po-box.mcgill.ca](mailto:cmoore9@po-box.mcgill.ca)



*Greetings friends, colleagues, and students / Chers amis, collègues et étudiants:*

*The McGill Institute for the Study of Canada is excited to announce its 2005-2006 Distinguished Lecture Series. See below for dates, locations, and our line-up of speakers.*

*L'Institut d'études canadiennes de McGill est heureux d'annoncer la mise sur pied d'un programme de conférenciers éminents. Vous trouverez ci-dessous les dates, le lieu des conférences de même que la liste des sujets qu'aborderont nos invités.*

**Programme de conférenciers éminents,  
Automne 2005  
Distinguished Lecture Series, Fall 2005**

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**2005 Fulbright Lecture**

\*co-sponsored by the McGill Finance Research Centre and  
the Department of Economics

**Dr. W. Bartley Hildreth**

*Fulbright-McGill University Visiting Research Chair of Public  
Policy & Regents Distinguished Professor of Public Finance  
and Director of the Kansas Public Finance Center, Hugo Wall  
School of Urban and Public Affairs, Wichita State University*

**Federalism and Capital Markets in Canada and  
the US: Financing Infrastructure in the Wake of  
Hurricane Katrina**

**Fédéralisme et marchés financiers au Canada et  
aux États-Unis : Le financement des infrastruc-  
tures dans la foulée de l'ouragan Katrina**

Wednesday, October 26, 2005, 4:30 pm

3463, rue Peel, Salle 201

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**2005 Enders Lecture**

\*co-sponsored by the Chair in Canadian Ethnic Studies

**Dr. Ron Schmidt**

*Fulbright-Enders Visiting Research Chair, Le Centre d'études  
et de recherches internationales, L'Université de Montréal &  
Department of Political Science, California State University,  
Long Beach*

**Immigrant Settlement in Canada and the United  
States: A Preliminary Comparison**

**L'établissement des immigrants au Canada et  
aux  
États-Unis : Une comparaison préliminaire**

Wednesday, November 9, 2005, 4:30 pm

3463, rue Peel, Salle 201

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**\*Coming up in Winter 2006\***

**2006 Mallory Lecture : Justice John Gomery**

**2006 Seagram Lecture : Dr. Grace Skogstad**

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# Are Our Glasses Destined to Be Half-Empty?

by Lindsey Miller (Law IV)

Maybe it's just the endless rain getting to me, or perhaps it's the midterm doldrums - too far from summer, not close enough to Christmas - but I've been feeling decidedly pessimistic and cynical lately.

I'm beginning to think that it's not just me. After all, if you turn on the news on any given night, you're treated to stories of natural disasters in Pakistan, Florida, Cuba, and Guatemala; double murders in Montreal; football teams suspended due to hazing activities; and the daily report of death and destruction in the Middle East. Combine this with the fact that the two weeks of nearly solid rain and cloud has left vitamin D levels at new lows, and you've got yourself a breeding ground for the blues.

On the other hand, maybe there's more to it than just atmospheric conditions and the daily news. After all, the news isn't really any worse than it ever was - happy children and trouble-free harvests just don't sell papers or ad time. And the rain, while depressing, is just water. No, I'm beginning to suspect that the culprit is my legal education.

I put to you the hypothesis that the very nature of legal education is designed to make us pessimistic and cynical.

After all, what do lawyers do? They plan for the worst case scenario. A client asking for a contract to be drafted or a corporation set up wants to be covered for all those possible ways that things can go wrong. Lawyers spend their time anticipating a world where customers go bankrupt, couples will divorce, business partners will act irresponsibly, products will fail, people will be maimed, injured or killed, and property destroyed. The people who wrote the well-known 'Worst-Case Scenario

Survival' series should target the legal market - they'd be bought up in seconds.

If this wasn't enough, lawyers catch the negative aspects of life on the other end of conflicts: who do you go to when the worst-case scenario (the one you didn't plan for or couldn't have planned for) happens? Your lawyer. As a prof once pointed out, people who are going to see lawyers aren't generally in a happy place. People go to a lawyer to get a problem solved, which by extension means that the lawyer is now sharing their headaches.

Any law student can attest to the fact that law school changes how you look at life. Who among us has not had the paradigm shift in first year when you walk into a store and start seeing liabilities everywhere? The slippery patch of ice is no longer just something to step around; it's a lawsuit waiting to happen. The cases that you read certainly don't help: people getting maimed, killed, or injured; screwed over in a divorce, business or tax case; having their rights denied or their property absconded with. Just once I'd like to read a case where both parties go home happy.

Part of the problem, I suppose, is the adversarial nature of law. Even though each side is merely arguing to protect their client, and, in theory, this is independent of what your instincts might tell you is the probable truth of the matter (otherwise criminal defence lawyers would be few and far between) you can't help but get a bit emotionally involved in what you're working on. Any law student who's done a moot will be familiar with this strange change that occurs after the first few exchanges with opposing counsel. They might be your friends, but if they try to pull a fast one on you, boy, they'd better watch out,

because you've already thought of all the devious arguments they might use and you're ready with crushing responses to all of them.

Not only does legal education predispose us to pessimistic, antagonistic and cynical thoughts, but these tend to lead us down a self-destructive path. While some of the mental illness and alcohol and drug abuse that plague the legal profession in disproportionate numbers can probably be attributed to the general stress of a professional job (medical students and physicians also have high rates of mental illness such as depression and anxiety disorders, as well as drug and alcohol abuse), I think a key component is the general orientation of law to focus on problems and potential problems. Medical students, at least, are trained to hope for the best - after all, there's no point in treating a patient if you think they'll probably die anyway. Law students, on the other hand, spend their time wallowing in worst case scenarios.

The solution? Balance, I suppose, and a healthy awareness of the fact that what you see at your job is just a small fraction of life. What you don't see is all the myriad human interactions that actually go well, the marriages that work, the businesses that work out ways round problems without lawsuits, the companies that have good employee programs. This will help balance out the overwhelming cynicism of legal life. Stop. Smell a rose. Remember that you're seeing things through a very limited lens, and maybe your life will be a little less rainy.

Next time you're at coffeehouse, take a look in your red plastic mug. Is it half-full...or half-empty? ■



# Referendum: Innocence McGill

by the 'Yes' Team: Claire d'Anglemont de Tassigny and Simon Seida (both Law II), Dan Ambrosini, Gord Cruess, Liane Curtis, Adam DiStefano, Marianna Ferraro, Robert Israel, Naomi Kikoler, Jean-Olivier Lessard Jason MacLean, Christine Mainville, Hugh Sandler, Rachel Shamash and Ryan Unruch (all Law III)

The criminal justice system rightly holds a person's liberty to be most dear. Thus it is founded on the tenets that an accused person is deemed innocent until proven guilty, that the same has the right to make full answer and defence, and that the Crown bears the burden to prove all elements of an offence beyond a reasonable doubt. The sad reality is that our system does not always live up to its principles. Like any large institution, it fails on occasion.

Les affaires d'erreurs judiciaires ont déjà, depuis un certain temps, fait les grandes lignes des journaux canadiens. Cependant, bien que les noms des victimes de telles injustices nous soient familiers, il paraît important de se souvenir de leur destin plus en détail. A cet effet, nous voudrions vous rappeler les cas célèbres de deux victimes canadiennes d'erreurs judiciaires en vous racontant brièvement leurs histoires.

## David Milgaard

When he was 16, David Milgaard was sentenced to life in prison for the 1969 rape and murder of Gail Miller, a nursing student in Saskatoon. Milgaard had been passing through town at the time of Miller's murder with two friends, Nichol John and Ron Wilson. The trio stopped to pick up an acquaintance, Albert Cadrain, whose family was renting out their basement to Larry Fisher, the man who would ultimately be convicted

for Miller's murder.

Police, under pressure to solve the murder and looking for leads, offered a \$2,000 reward for information. Cadrain responded, pointing the finger at Milgaard. In the course of the ensuring investigation, John and Wilson would also implicate Milgaard.

It was not until 1997 that Milgaard was fully exonerated by DNA evidence. That same evidence was used to link Fisher to the murder. All told, Milgaard spent 23 years in prison for a crime he didn't commit. Earlier this year, a commission of inquiry with the mandate to examine and report on all aspects of the Miller murder investigation began hearing witnesses.

The findings of the commission will no doubt be instructive. Wilson and John have already testified. Both had maintained from the outset of the investigation that Milgaard was innocent. Police questioned each over a period of several weeks, and in the course of protracted interrogations, both signed fabricated statements incriminating Milgaard. Milgaard's lawyers have also alleged that police suppressed information that could have helped Milgaard's defence.

## Donald Marshall

En traversant le parc Wentworth à Sydney en Nouvelle Écosse le 28 mai 1971, Donald Marshall Jr. a rencontré Sandy Seale, un jeune homme de race noire de Whitney Pier qu'il

connaissait de manière informelle. Alors qu'ils marchaient ensemble, deux hommes leur ont adressé la parole. Un de ces hommes, Roy Ebsary, décrit par la suite comme une personne excentrique et instable avec un fétiche pour les couteaux, a poignardé Sandy Seale dans l'estomac, sans avertissement ni provocation. La blessure a entraîné la mort de Seale le jour suivant.

Le 4 juin 1971, David Marshall, qui n'avait alors que 16 ans et vivait toujours chez ses parents dans la réserve indienne de Memberton, a été arrêté et inculpé pour meurtre non qualifié. Le fait que Marshall était d'origine autochtone a mené le chef de police de Sydney à le caractériser en tant que suspect principal dans cette affaire, avant même d'obtenir des preuves soutenant une telle conclusion.

Cette affaire s'est déroulée au sein du système judiciaire avec une rapidité incroyable qui n'aurait jamais lieu aujourd'hui. L'arrestation de Marshall du 4 juin 1971 fût suivie d'une enquête préliminaire le jour suivant et d'un procès de seulement 3 jours au mois de novembre de la même année. Marshall avait alors 17 ans et fût condamné à une sentence à vie.

Cette injustice s'est produite en raison de mauvaise conduite lors de l'arrestation et de la poursuite judiciaire, de l'incompétence de l'avocat de la défense, de témoignages erronés, du biais du jury et de l'erreur judiciaire. Il a pris 12 ans pour que



l'injustice de sa condamnation soit reconnue et presque 20 ans en tout pour sa disculpation. La Commission royale chargée de cette enquête a conclu que le système judiciaire criminel avait abandonné Donald Marshall Jr. à chaque étape.

- Based on the words of Anne Derrick, Q.C., Co-counsel to Donald Marshall Jr. at the Royal Commission of Inquiry into his wrongful conviction

Le projet Innocence McGill a été fondé il y a presque deux ans par des étudiants inquiets du sort des prisonniers tels que Milgaard et Marshall. Notre mission est d'enquêter sur les plaintes de condamnation injuste au Québec, là où des preuves basées sur des faits, ainsi que de nouvelles preuves, peuvent être utilisées afin de prouver l'innocence d'un détenu. Nous avons reçu, à ce jour, bon nombre de requêtes d'assistance soutenues par des dossiers de la part de prisonniers qui se disent

innocents des crimes pour lesquels ils ont été condamnés.

While we have secured some seed funding, and continue to seek funding from numerous sources, the costs associated with our project are high. We are not yet in the position where we can throw our full weight behind files that appear deserving, and accepted files may take several years to resolve. Administrative costs are bound up with all files. Travel costs will be incurred interviewing prisoners and witnesses. Some cases will require the work of private investigators and laboratory tests. Moreover, the group has ambitious plans to host conferences at McGill on the subject of wrongful convictions that will benefit the Faculty and the community.

We therefore ask for your help in funding our activities. Please vote "YES" in this Thursday's (October 27) referendum on funding Innocence McGill; voting will take place from 9am until 4pm. ■

## C.C.Q. ?» C.C.A.

EVENTS OF LSA EVENT

### Reforming the Argentine Civil Code: Quebec's influence

### La réforme du Code civil argentin: l'influence du Québec

*Jimena Andino Dorato,  
Member of the Buenos Aires Bar*

*Me Denis L'Anglais,  
Ancien délégué du Québec pour le Mercosur*

**Lunch & Conference  
Dîner-conférence  
10 NOV. 2005 12:00-14:00**

Registration / Inscription: [www.abcqc.qc.ca](http://www.abcqc.qc.ca)

Design: Julien Morissette

### The Law Students' Association (LSA)

and

### The Students' Society of McGill University (SSMU)

would like to thank everyone for attending the  
Hurricane Katrina Relief Coffee House in  
September 2005.

Your contributions have allowed us to donate the  
total proceeds of **\$1,181.71** to the American Red  
Cross' special relief fund for Hurricane Katrina.







McGill

The McGill Faculty of Law and Centre for Human Rights and Legal Pluralism are pleased to invite you to attend a lecture given by:

**Radhika Coomaraswamy**

Director, International Centre for Ethnic Studies in Colombo, Sri Lanka  
Director, Human Rights Commission of Sri Lanka

***"The Struggle for Human Rights: A Personal Story"***

**Tuesday, November 8, 2005, 5:30 p.m.**

FACULTY OF LAW

Moot Court, New Chancellor Day Hall  
3644 Peel Street

A reception will follow in the Atrium

Sponsored by: McGill Faculty of Law and Robert S. Litvack Fund

All are welcome.

R.S.V.P. by November 4  
(514) 398-4400 ext. 094342# OR  
[alumnioffice.law@mcgill.ca](mailto:alumnioffice.law@mcgill.ca)